

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 1:20-cv-1343

\$4,543.79 IN FUNDS SEIZED FROM BANK
ACCOUNT #153568031006 IN THE NAME
OF CARLETON P. NELSON AND AMY S.
NELSON AT U.S. BANK,

\$8,388.54 IN FUNDS SEIZED FROM BANK
ACCOUNT #1635892407 IN THE NAME
OF AMY STERNER NELSON AT WELLS
FARGO,

\$13,559.97 IN FUNDS SEIZED FROM
BANK ACCOUNT #1361410762 IN THE
NAME OF E2M PROPERTIES LLC AT
CAPTIAL ONE BANK,

\$25,343.01 IN FUNDS SEIZED FROM
BANK ACCOUNT #145947373 IN THE
NAME OF CARLETON NELSON AT
CITIBANK,

\$98,358.92 IN FUNDS SEIZED FROM
BANK ACCOUNT #149656681 IN THE
NAME OF CARLETON NELSON AT
CITIBANK,

\$491,780.50 IN FUNDS SEIZED FROM
ACCOUNT ENDING IN 5810, HELD ON
BEHALF OF AMY STERNER NELSON
AND CARLETON P. NELSON, AT
SIGNATURE BANK,

\$10,567.43 IN FUNDS SEIZED FROM
BANK ACCOUNT # 104781237441 IN THE
NAME OF DEVON M. KIRSCHNER AND
CASEY H. KIRSCHNER AT U.S. BANK,

\$1,217.05 IN FUNDS SEIZED FROM BANK
ACCOUNT #320013539278 IN THE NAME
OF AMY S. NELSON AND CARLETON
PHILLIP NELSON AT AMERICAN
EXPRESS NATIONAL BANK,

and

\$4,284.47 IN FUNDS SEIZED FROM BANK
ACCOUNT #1518835838 IN THE NAME
OF AMY S. NELSON AND CARLETON
PHILLIP NELSON AT AMERICAN
EXPRESS NATIONAL BANK,

Defendants In Rem.

STAY ORDER

Before the Court is a Motion to Stay made jointly by the United States, E2M Properties, LLC, and Casey Kirschner, pursuant to 18 U.S.C. § 981(g)(1) & (2). Based on the parties' representations in their joint motion, as well as the information provided in the sworn declaration of Federal Bureau of Investigation Special Agent Randy Combs, the Court finds that good cause exists for the stay pursuant to:

(1) 18 U.S.C. § 981(g)(1) in that it is likely that proceeding with civil discovery in this case will adversely affect the government's ability to conduct and conclude its active investigation in a closely related criminal matter, including prematurely compelling the government to divulge the identity of certain witnesses, providing claimants with early and broader discovery than would be permitted in a criminal case, alerting subjects of the criminal investigation who are unaware of their status as such, and revealing the government's criminal trial strategies; and

(2) 18 U.S.C. § 981(g)(2) in that claimants Casey Kirschner and E2M Standing, LLC have standing to assert a claim, and have asserted a claim, in the civil forfeiture proceeding as

owners of certain defendant property named in this civil forfeiture action. Claimant Casey Kirschner is the target of a closely related criminal investigation and continuing with the civil forfeiture proceeding will burden his Fifth Amendment right against self-incrimination in that related criminal investigation. Claimant E2M Properties, LLC is headed by another subject of the same closely related criminal investigation and continuing with the civil forfeiture proceeding will likewise have a spillover effect which will burden that subject's Fifth Amendment right against self-incrimination in that related criminal investigation.

IT IS THEREFORE ORDERED THAT:

1. This civil forfeiture case is stayed as to all parties for a period of six months from the date of the entry of this Order.
2. Those Claimants who have not yet filed answers or motions will have twenty-one days from the date the stay is lifted to file an answer or permitted motion to the Complaint.
3. The government shall notify the Court of any indictment of the claimant or the disposition of any criminal case against him no more than sixty days following that disposition or indictment.

Dated this 5th day of February 2021.

/s/ Ivan D. Davis
UNITED STATES MAGISTRATE JUDGE